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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,260	06/20/2003	Sun Yu	ZDC-13303/03	7561

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EXAMINER	
LUK, LAWRENCE W	

ART UNIT	PAPER NUMBER
2838	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,260	YU ET AL.	
	Examiner	Art Unit	
	Lawrence W Luk	2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 10/2/04.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figure 3 is an informal drawing. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6-11 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Osawa et al. (6,764,373).

As to claim 1, Osawa et al. disclose in figure 13-16, a battery charger amusement device comprising: in column 5, lines 42-50, a battery charger having a receptacle adapted to receive a rechargeable battery, the battery having a charge status; in column 18, lines 38-46, an electronic circuit monitoring charge status; in

column 18, lines 5-30, and a mechanical movement signal activated upon the battery attaining a preselected charge status as measured by said electronic circuit.

As to claim 2, Osawa et al. disclose in figure 13-16, column 18, lines 47-52, further comprising a second electronic circuit communicating information independent of charge status.

As to claim 3, Osawa et al. disclose in figure 4, column 2, lines 34, further comprising an AC coupler.

As to claim 6, Osawa et al. disclose in column 4, lines 37-39, lines 56-65 and column 3, line 66 to column 4, line 4, the information is of a type selected from the group consisting of language, text, music, light, movement and video.

As to claim 7, Osawa et al. disclose in figure 16, further comprising a housing (unit 80-3).

As to claim 8, Osawa et al. disclose in column 11, lines 18-31, said mechanical movement signal is selected from a group consisting of: release of a spring, activation of an electric drive motor to create a mechanical movement, deactivation of said electrical motor, and movement of a liquid or powder.

As to claim 9, Osawa et al. disclose in column 1, line 58 to column 2, line 3, said housing is configured in a form selected from the group consisting of humanoid, animate, vehicular and natural.

As to claim 10, Osawa et al. disclose in column 4, lines 56-65, further comprising a light.

As to claim 11, Osawa et al. disclose in figure 4, further comprising a user input interface to said electronic circuit.

As to claim 20, Osawa et al. disclose in figure 13-16, a process for charging a battery comprising: in column 2, lines 55-64, placing a rechargeable battery into a device for a charging duration; in column 4, lines 37-46, receiving a mechanical movement signal from said device indicating charge status of the battery; in column 3, lines 38-42, and removing the battery from said device after the charging duration.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4, 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et al. (6,764,373) in combination with Chen et al. (2002/0063550).

As to claim 12, Osawa et al. disclose in figure 14-16, a battery charger amusement device comprising: in column 5, lines 42-50, a battery charger having a receptacle adapted to receive a rechargeable battery, the battery having a charge status; in column 18, lines 38-46, an electronic circuit activated by the rechargeable battery being inserted into the receptacle, said electronic circuit monitoring charge status, but fails to teach a spring compressed by the rechargeable battery being inserted into the receptacle; and a spring release triggered by said electronic circuit in response to the charge status of the battery.

Chen et al. disclose in figure 1b, column 1, [0004], a spring (unit 16) compressed by the rechargeable battery being inserted into the receptacle (unit 12); and a spring (unit 16) release triggered by said electronic circuit in response to the charge status of the battery.

It would have been obvious to person having ordinary skill in the art at the time of the invention was made to modify the device of Osawa et al. to include a spring compressed by the rechargeable battery being inserted into the receptacle as taught by Chen et al. for the battery receptacle is a concave recess having multiple supporting surfaces.

As to claim 13, Osawa et al. in view of Chen et al. are applied supra, and Osawa et al. further disclose in figure 4, column 2, lines 34, further comprising an AC coupler.

As to claims 4 and 14, Osawa et al. in view of Chen et al. are applied supra, and Chen et al. further disclose in column 1, [0003, 0004], the battery is selected from a group consisting of: AAA, AA, B, C, D and 9 volt.

As to claim 15, Osawa et al. in view of Chen et al. are applied supra, and Osawa et al. further disclose in figure 16, further comprising a housing (unit 80-3).

As to claim 16, Osawa et al. in view of Chen et al. are applied supra, and Osawa et al. further disclose in column 11, lines 18-32, said housing is configured in a form selected from the group consisting of an appliance, a jack-in-the-box, and a figurine.

As to claim 17, Osawa et al. in view of Chen et al. are applied supra, and Osawa et al. further disclose in column 4, lines 56-65, further comprising a light.

As to claim 18, Osawa et al. in view of Chen et al. are applied supra, and Osawa et al. further disclose in column 18, lines 47-52, further comprising a second electronic communicating information independent of charge status.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et al. (6,764,373) in combination with Miller et al. (5,818,197).

As to claim 5, Osawa et al. discloses the elements as claimed, except for said electronic circuit further comprises a microprocessor.

Miller et al. disclose in column 6, lines 29-31, said electronic circuit further comprises a microprocessor.

It would have been obvious to person having ordinary skill in the art at the time of the invention was made to modify the device of Osawa et al. to include the electronic circuit further comprises a microprocessor as taught by Miller et al. for selecting the threshold values for the termination algorithm for the battery being charged.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et al. (6,764,373) in combination with Matsuda (5,506,749).

As to claim 19, Osawa et al. discloses the elements as claimed, except for further comprising a battery caddy electrically intermediate between the battery and said receptacle.

Matsuda disclose in figure 1, column 5, lines 34-43, the battery case (unit 17) has a size and shape which are virtually identical to those of the battery receptacle.

It would have been obvious to person having ordinary skill in the art at the time of the invention was made to modify the device of Osawa et al. to include the battery case has a size and shape which are virtually identical to those of the battery receptacle as taught by Matsuda for attaching the battery pack to the housing.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence W Luk whose telephone number is (571)272-2080. The examiner can normally be reached on 7 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571)272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LWL
November 12, 2004

Lawrence Luk
examiner
11/12/04